

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RATIONAL SOLUTIONS, LLC, et al.,
Plaintiffs,
v.
THINK SURGICAL, INC., et al.,
Defendants.

Case No. [19-cv-00457-MMC](#)

**ORDER GRANTING MOTION FOR
PARTIAL DISMISSAL; DISMISSING
FIRST, FOURTH, FIFTH, AND SIXTH
CAUSES OF ACTION; AFFORDING
PLAINTIFFS LEAVE TO AMEND**

Re: Dkt. No. 23

Before the Court is defendant Think Surgical, Inc.'s ("Think Surgical"), "Motion to Partially Dismiss Plaintiffs' Complaint," filed April 8, 2019, whereby Think Surgical seeks an order dismissing the First, Fourth, Fifth, and Sixth Causes of Action alleged in plaintiffs Rational Solutions, LLC, and Stansilav Shalayev's Complaint. Plaintiffs have filed opposition, to which Think Surgical has replied. The matter came on regularly for hearing on May 17, 2019. Jeffrey G. Nevin of Nevin Law Firm, P.C., and Richard J. O'Brien appeared on behalf of plaintiffs. Oliver Rocos of Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenberg & Rhaw, P.C. appeared on behalf of Think Surgical.

The Court having considered the parties' respective written submissions and the arguments of counsel at the hearing, the motion is, for the reasons stated on the record at the hearing, hereby GRANTED, and the above-referenced Causes of Action are hereby DISMISSED with leave to amend.


Plaintiffs shall file their First Amended Complaint no later than June 7, 2019, and

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Think Surgical shall file its response thereto no later than June 28, 2019.

IT IS SO ORDERED.

Dated: May 20, 2019


MAXINE M. CHESNEY
United States District Judge